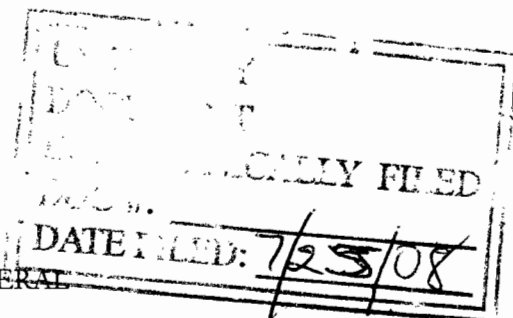




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



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JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

July 24, 2008

BY HAND

Hon. Shira A. Scheindlin
United States District Judge
500 Pearl Street
Room 1620
New York, New York 10007

Re: Florio's Ents., Inc., et al. v. City of New York, et al., 08 Civ. 05903
(SAS) (DF)

Your Honor:

I am an Assistant Attorney General in the office of Andrew Cuomo, Attorney General of the State of New York, and I write on behalf of defendants, the State of New York and the New York State Department of Health ("the State defendants"), in the above-referenced matter. While plaintiffs have served the New York State Attorney General's Office with the summons and complaint, they have not properly served the State defendants. Thus, service has not yet been perfected. Nevertheless, in order to protect the State defendants' time to answer or otherwise move, I write to request an extension of their time to answer or otherwise move, from July 28, 2008 until September 3, 2008. This request is made on the consent of plaintiffs' counsel.

This is the State defendants' first request for an extension. The requested extension is necessary so that, should plaintiff's perfect service on the State defendants, the State defendants can, in consultation with this Office, investigate the facts alleged in the complaint, obtain the necessary documents, and prepare an appropriate response.

Defendants' time to respond to the Complaint is extended to and including September 3, 2008. No further adjournments.

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<http://www.oag.state.ny.us>

So Ordered: [Signature] 7/25/08

Hon. Shira A. Scheindlin

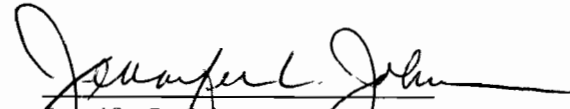
July 24, 2008

Page 2 of 2

I also respectfully request that the Court place this extension request on the docket.

Thank you for your consideration.

Respectfully,



Jennifer L. Johnson
Assistant Attorney General

Copies to:

(by first class mail)

Hon. Debra Freeman
United States Magistrate Judge

John W. Russell, Esq.
Sidney Baumgarten, Esq.
Attorneys for Plaintiffs

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